

Appl. No. 10/673,663
Reply Filed: December 7, 2006
Reply to Office Action of: September 7, 2006

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REMARKS

In response to the Office Action of December 7, 2006, the Applicant submits this Reply. In view of the foregoing amendments, following remarks and enclosed terminal disclaimer, reconsideration is requested.

Claims 1-19 remain in this application, of which claims 1 and 11 are independent.

Non-Statutory Double Patenting Rejection

The claims were subject to a non-statutory double patenting rejection based on U.S. Patent 6,628,303. For expediency, the Applicant submits herewith a Terminal Disclaimer to obviate any nonstatutory double patenting rejection between this application and the issued patent to which this application claims priority. By submitting this Terminal Disclaimer, Applicant does not admit to the propriety of any nonstatutory double patenting rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District* 946 F.2d 870, 20 USPQ2d 1392 (Fed.Cir. 1991).

Rejection Under 35 U.S.C. §102

Claims 1, 2, 4, 6-10, of which claim 1 is independent, were rejected under 35 U.S.C. 102 in view of U.S. Patent 5,682,326 ("Klingler"). The rejection is respectfully traversed.

According to Klingler, a

"Digitizer Window may be utilized to control an external video machine to capture and digitize the source video, as well as select in and out point to define the source clips. The clips are preferably defined by a clip identifier, the in and out points for the clip . . . , and any comments relating to that clip. Once defined, the source clips . . . are then digitized."

Klingler, col. 6, lines 39-46. "[A]fter digitizing, the clips can be reviewed in the Monitors Window 46" in Fig. 3. *Klingler*, col. 6, lines 53-54.

According to Klingler, "[r]eference clips can be created from source clips by viewing selected portions of the source clips in the source monitor subwindow 48, selecting in and out points, and naming each of the reference clips." *Klingler*, col. 6, lines 58-63. Regarding reference clips, Klingler states at col. 7, lines 13-21:

"A reference clip does not contain the actual digitized media. Instead it contains it contains references back to the media in the source clips, including in and out points (clip

Appl. No. 10/673,663
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beginning frame and clip ending frame), for that reference clip. It should be noted that the reference clips defined and created for a particular program do not necessarily have the same in and out points as the source clips which contain the media referenced in the reference clips."

According to Klingler, "[o]nce the reference clips have been defined and collected, a program can be created using the editing system . . ." *Klingler*, col. 7, lines 10-11. "A program is a meaningful sequence of reference clips created from the source clips." *Klingler*, col. 7, lines 11-13. "A program . . . may . . . be assembled in the Sequencer Window 70 [Fig. 5] by . . . arranging the media and/or effects in the desired sequence." *Klingler*, col. 7, lines 43-47. "The starting point and ending point of the reference clips can be changed, and/or the clips can be moved relative to other clips simply by clicking on and dragging the graphical representation of the clip in the sequencer time line." *Klingler*, col. 7, lines 55-59.

Claim 1 recites, among other things, "automatically generating in the computer system a sequence of clips representing the motion picture from a description of the motion picture, wherein each clip has an initial duration defined by the description of the motion picture". The Office Action refers to *Klingler*, col. 6, lines 38-67, as teaching this limitation. In this portion of *Klingler*, source clips are defined then digitized, and then reference clips are defined. There is no "description of the motion picture" from which a *sequence* of clips is "automatically generated." It is unclear from the Office Action what in *Klingler* corresponds to the claimed "description of the motion picture." Moreover, if the claimed "clips" were deemed to correspond to *Klingler*'s digitized "source clips", then *Klingler*'s digitized source clips are not a "sequence of clips", but merely an unordered collection of clips. Note that *Klingler*, in col. 7, lines 12-13 and 46-47 indicates a distinction between a sequence of clips and an unordered collection of clips.

The Office Action also refers to *Klingler*, col. 6, lines 61-62 as teaching the limitation that "each clip has an initial duration defined by the description of the motion picture." This portion of *Klingler* refers to reference clips having user-selected in and out points. If the claimed "clips" were deemed to correspond to *Klingler*'s "reference clips," then *Klingler*'s reference clips are not "automatically generated" from anything. Instead, *Klingler*'s reference clips are manually defined. *Klingler*'s reference clips are not a "sequence of clips" when they are defined, but merely an unordered collection of clips.

Appl. No. 10/673,663
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Further confusion arises in connection with the rejection of claim 6, which defines the "description of the motion picture" as a "plurality of shot descriptions." The Office Action asserts that the "name" in Fig. 4, which is the "clip name" for each reference clip, corresponds to this limitation. Klingler does not teach that any sequence of clips is automatically generated from the set of clip names for the reference clips. Moreover, the rejection of claim 6 appears to be inconsistent with the rejection of claim 1 in how the limitation "description of the motion picture" is deemed to correspond to Klingler.

Accordingly, clarification is requested regarding what in Klingler is deemed to correspond to a. the claimed "description of the motion picture," and b. the claimed "sequence of clips", and c. the claimed function of "automatically generating", along with clarification of how these limitations are being construed.

Claim 1 (as amended) also recites "receiving input from a user indicating instructions to associate motion video information stored in computer data files with clips in the automatically generated sequence of clips representing the motion picture . . .". The Office Action refers to *Klingler*, col. 7, lines 37-59. This portion of *Klingler* merely teaches that reference clips can be arranged in a desired sequence (lines 46-47, 56-59) and that the starting point and ending point of reference clips can be changed (lines 55-56). This portion of *Klingler* does not relate to associating video stored in files with clips in a sequence clips. In *Klingler*, reference clips and source clips are associated with video first, then reference clips are placed in a sequence. See *Klingler*, col. 7, lines 12-13. Because *Klingler* requires video to be associated with clips *prior* to those clips being placed in a meaningful sequence, *Klingler* does not teach allowing a user to associate video with clips already in a sequence. Thus, the claim limitation which relates to "associating . . . video . . . with clips in the automatically generated sequence of clips" is not taught by *Klingler*.

In view of the foregoing, the rejection of claim 1 is traversed. The remaining claims 2, 4 and 6-10 are dependent claims and are allowable for at least the same reasons.

In addition, regarding claims 9 and 10, the Office Action refers to the "comment" field for a clip. *Klingler* neither teaches nor suggests the specifically claimed "tip for filming a shot during production" in claim 9 or "tip for editing a shot in the motion picture" in claim 10.

Appl. No. 10/673,663
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Rejection Under 35 U.S.C. §103

Claims 3, 5 and 11-19, of which claim 11 is independent, were rejected under 35 U.S.C. 103 in view of Klingler and U.S. Patent 5,959,697 ("Coleman"). The rejection is respectfully traversed.

Klingler was discussed above. The Office Action indicates that Klingler fails to teach a clip that has no motion video information associated with it. See Office Action, page 5, lines 1-3.

The Office Action refers to column 6, lines 9-18 of Coleman; however, this portion of Coleman has nothing to do with "blank clips" as mentioned in the Office Action. Applicant requests clarification of which portion of Coleman is being relied upon.

Nonetheless, according to Coleman, Coleman teaches a system which detects dissolve transitions in a video signal (Coleman's title). According to Coleman, a "typical television commercial, television program, or movie comprises a series of video clips pieced together." *Coleman*, col. 1, lines 40-42. "A particular video clip is normally separated from an adjacent video clip using a common video transitional marker such as a cut, dissolve, or fade." *Coleman*, col. 1, lines 46-48. "Blank or uniform fields may also be used to provide visual separation between video clips." *Coleman*, col. 1, lines 48-50. Coleman explains blank or uniform fields, at col. 10, lines 2-21, as follows:

"A uniform image has a single tone or color appearing as a background. Uniform images are commonly found within program introductions and credits and within commercials. They often serve as a background for stationary and scrolled text. Within commercials, fade-to-white and fade-from-white image transition sequences employ uniform white images. A blank image is a special case of a uniform image and comprises an all black image. Normally, blanking is part of a visual transition sequence where blank images are inserted between cut and/or fade transitions. Blank images are also used when a pause is required to inform the viewer of a change of context, such as between commercials, or to mark a major change in location or time. When blanking is used to separate commercial and program segments, experimental data indicates that blanking times may vary significantly between one and eighty or more fields. When blanking is used within a program or commercial segment, experimentally obtained blanking times are more consistent, normally ranging between four and sixteen fields."

Coleman describes, in connection with Fig. 5 starting at col. 9, line 66, a method for detecting blank and/or uniform images in a digital video signal. The detection of blank images in the video signal is a type of event, among other types of events, processed by an event resolver

Appl. No. 10/673,663
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Reply to Office Action of: September 7, 2006

that resolves multiple and overlapping events and generates a timeline identifying the transitional markers encountered within a particular digital video signal. See *Coleman*, col. 5, lines 5-15.

Because claims 3 and 5 are dependent on claim 1, they are allowable over Klingler and Coleman for at least the same reasons that claim 1 is allowable over Klingler alone. Moreover, dependent claims 3 and 5 as amended require "displaying to the user an indication, for each clip in the automatically generated sequence of clips to which motion video information has not been associated, that the clip has no motion video information associated with the clip." Klingler fails to teach that a clip may have no motion video information associated with it. Thus it also fails to teach displaying an indication that a clip has no motion video information associated with it. Even though Coleman teaches detecting uniform images in a video signal, one would not understand from this teaching any reason to modify Klinger to display whether a clip has *no* motion video information associated with it.

Accordingly, dependent claims 3 and 5 are allowable over Klingler and Coleman.

Regarding claim 11, arguments similar to those presented above in connection with claim 1 with respect to Klingler also apply regarding the limitation of: "automatically generating in the computer system a sequence of clips representing the motion picture from the stored representation of the plan, wherein each clip corresponds to a shot in the sequence of shots and has a duration that corresponds at least initially to the duration of the corresponding shot."

In particular, the Office Action refers to *Klingler*, col. 6, lines 38-67, as teaching this limitation. In this portion of *Klingler*, source clips are defined then digitized, and then reference clips are defined. There is no "stored representation of the plan" from which a *sequence* of clips is "automatically generated." It is unclear from the Office Action what in *Klingler* corresponds to the claimed "stored representation of the plan." Moreover, if the claimed "clips" were deemed to correspond to *Klingler*'s digitized "source clips", then *Klingler*'s digitized source clips are not a "sequence of clips", but merely an unordered collection of clips. Note that *Klingler*, in col. 7, lines 12-13 and 46-47 indicates a distinction between a sequence of clips and an unordered collection of clips.

The arguments presented above regarding the limitation of "associating motion video information stored in the data files on the computer system with each clip in the representation of

Appl. No. 10/673,663
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the motion picture and storing for each clip a reference to the associated data file and a range within the data file, such that the duration of each clip corresponds to the associated motion video information" in claim 1 also apply to claim 11.

Accordingly, clarification is requested regarding what in Klingler is deemed to correspond to a. the claimed "stored description of the plan," and b. the claimed "sequence of clips", and c. the claimed function of "automatically generating", along with clarification of how these limitations are being construed.

Moreover, claim 11 recites "a plan for the motion picture, wherein the plan specifies a sequence of shots, wherein each shot is specified by a shot description including a reference to a textual description of the shot and a duration of the shot, wherein at least one shot lacks a reference to a source of motion video information for the shot." As noted above, Klingler fails to teach that a "shot lacks a reference to a source of motion video information for the shot." Coleman's "blank" or "uniform" images in a digital video signal do not meet this limitation either. Coleman teaches processing of blank or uniform images within a digital video signal, and emphasizes that these "blank" images are commonly occur between commercials or programs or scenes within the video signal. It does not teach or suggest that either a source clip or reference clip in Klingler (if considered the claimed "shot") should lacks a reference to a source of motion video information for the shot.

In view of the foregoing comments, the rejection of claim 11 is traversed. The remaining claims 12-19 are dependent claims and are allowable for at least the same reasons. The rejection of claims 18 and 19 is also traversed for the same reasons provided above in connection with claims 9 and 10.

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CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this reply, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any fee to **Deposit Account No. 50-0876**.

Respectfully submitted,

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